IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.4425 OF 2006

Mr.Nadim Latif Khan .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri.V.V.Purwant for the applicant.

Shri.S.S.Pednekar, A.P.P. for the state.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 18TH DECEMBER, 2006

P.C.:

1. The applicant has been arrested in connection with C.R.No.316 of 2006 registered with Wanowarie Police Station alleging offences punishable u/s.364(a), 342, 387 r/w.Sec.34 of I.P.C.

2. The applicant has been arrested on 2nd August, 2006.

3. The applicant submit that the incident has been reportedly seen by the wife of the complainant Yasmin Sajida. The complainant had two wives. The other wife is Saira. From a copy of her statement which is recorded, it appears that the complainant is also facing criminal proceedings. The amounts were due and payable to the applicant. That is how the incident has taken place and there is substance in the contention of Shri.Purwant that there are inconsistencies in the statement of the wife of the complainant. Even the lawyer has not come forward to lodge the complaint. The second wife of the complainant Saira has given a contradictory version.

4. Be that as it may, now investigations are completed and chargesheet is filed, it is not pointed out to me as to how the applicant, if enlarged on bail would not be available at trial with stringent conditions being imposed. More so, when co-accused have been enlarged on bail. Considering the statements, copies of which are annexed to this application so also the fact that the complainant was himself is an accused, the following order would meet the ends of justice.

5. Hence, the following order : -

ORDER :

(i) Applicant is directed to be released on bail in connection with the C.R.No.316 of 2006, registered with Wanowarie Police Station on executing personal bond in the sum of Rs.20,000/- (Rs.Twenty thousand only) with one or two local sureties in like amount.

(ii) The applicant shall not influence prosecution witnesses or tamper with the prosecution evidence in any manner, whatsoever.

(iii) The applicant shall report to the concerned police station once in a week on every Saturday between 5.00 p.m. and 7.00 p.m. till the chargesheet is filed. The applicant shall deposit his passport, if any, with the Investigating Machinery. The applicant shall not leave the limits of Wanowarie police station and without prior permission of the Trial Court.

(iv) The order of bail will be given effect only after the applicant furnishes to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

(v) The applicant shall co-operate for early disposal of the trial. In the event, the trial court is of the opinion that the applicant is responsible for delay in trial, that be recorded in roznama and that can be the basis for cancellation of bail.

(vii) Any observation made in this order shall be construed as any finding or any expression of opinion on the merits of the case at the time of trial

(viii) Application disposed of in above terms.

(ix) Parties to act on an authenticated copy of

this order.

(S.C.Dharmadhikari, J.)